

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
MARSHALL DIVISION**

**TQP DEVELOPMENT, LLC,**

Plaintiff,

v.

**WELLS FARGO BANK, N.A.,**

Defendant.

**Civil Action No. 2:12-cv-61-JRG-RSP**

**CONSOLIDATED**

**JURY TRIAL DEMANDED**

**TQP DEVELOPMENT, LLC,**

Plaintiff,

v.

**CATALYST CORPORATE FEDERAL  
CREDIT UNION, ET AL.,**

Defendants.

**Civil Action No. 2:12-cv-258-JRG-RSP**

**JURY TRIAL DEMANDED**

**STIPULATED MOTION FOR DISMISSAL WITH PREJUDICE**

The plaintiff TQP Development, LLC and defendant Catalyst Corporate Federal Credit Union, pursuant to Fed. R. Civ. P. 41(a)(2), hereby move for an order dismissing the complaint and all claims and counterclaims pending or that could have been brought between them in *TQP Development, LLC v. Catalyst Corporate Federal Credit Union, et al.*, Case No. 2:12-cv-258, WITH PREJUDICE, with each party to bear its own costs, expenses and attorneys' fees.

SO STIPULATED:

Dated: February 15, 2013

Respectfully submitted,

<p>By: \s\ Steven N. Williams Steven N. Williams swilliams@mkwpc.com Texas Bar No. 21577625 Robert W. Turner rturner@mkwpc.com Texas Bar No. 20329000 William Z. Duffy zduffy@mkwpc.com Texas Bar No. 24059697 MCDOLE, KENNEDY &amp; WILLIAMS, PC 1700 Pacific Avenue, Suite 1280 Dallas, Texas 75201 (214) 979-1122 - Telephone (214) 979-1123 – Facsimile</p> <p><b>Attorney for Defendant</b> <b>CATALYST CORPORATE FEDERAL</b> <b>CREDIT UNION</b></p>	<p>By: \s\ Adam S. Hoffman Adam S. Hoffman Marc A. Fenster, CA SB No. 181067 Email: <a href="mailto:mfenster@raklaw.com">mfenster@raklaw.com</a> Kevin P. Burke, CA SB No. 241972 Email: <a href="mailto:kburke@raklaw.com">kburke@raklaw.com</a> Adam S. Hoffman, CA SB No. 218740 Email: <a href="mailto:ahoffman@raklaw.com">ahoffman@raklaw.com</a> Alexander C.D. Giza, CA SB No. 212327 Email: <a href="mailto:agiza@raklaw.com">agiza@raklaw.com</a> <b>Russ August &amp; Kabat</b> 12424 Wilshire Boulevard, 12th Floor Los Angeles, CA 90025 Telephone: (310) 826-7474 Facsimile: (310) 826-699</p> <p>Andrew W. Spangler, State Bar No. 24041960 Email: <a href="mailto:spangler@sfipfirm.com">spangler@sfipfirm.com</a> <b>Spangler &amp; Fussell P.C.</b> 208 N. Green St., Suite 300 Longview, TX 75601 Telephone: (903) 753-9300 Facsimile: (903) 553-0403</p> <p>James A. Fussell, III, State Bar No. 2003193 Email: <a href="mailto:fussell@sfipfirm.com">fussell@sfipfirm.com</a> <b>Spangler &amp; Fussell P.C.</b> 211 N. Union Street, Suite 100 Alexandria, VA 22314 Telephone: (903) 753-9300 Facsimile: (903) 553-0403</p> <p><b>Attorneys for Plaintiff</b> <b>TQP DEVELOPMENT, LLC</b></p>
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**CRTIFICATE OF SERVICE**

I hereby certify that on the 15th day of February, 2013, I electronically filed the foregoing document with the clerk of the court for the U.S. District Court, Eastern District of Texas, Marshall Division, using the electronic case filing system of the court. The electronic case filing system sent a “Notice of Electronic Filing” to the attorneys of record who have consented in writing to accept this Notice as service of this document by electronic means.

*/s/ Adam S. Hoffman*  
Adam S. Hoffman

**CERTIFICATE OF CONFERENCE**

I hereby certify that counsel for Plaintiff and Defendant have conferred regarding the foregoing Motion, and Defendant does not oppose the relief sought.

Dated: February 15, 2013

*/s/ Adam S. Hoffman*  
Adam S. Hoffman